

REMARKS

Claims 1-11 are all the claims pending in the application. Claims 10 and 11 are objected to but would be allowable if placed into independent form. Claims 1, 4 and 7-9 are amended.

Claim Rejections - 35 U.S.C. § 103

Claims 1-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rieder (5,769,718) in view of Stephens et al (6,155,923). This rejection is traversed for at least the following reasons.

The Examiner repeats the rejection from a previous Office Action and comments in paragraph 5 that the limitation added in the previous Amendment to the preamble does not further limit the claims since no functional step or process has been provided in the body to further define the switching rate.

In reply, Applicant has now amended claim 1 to recite in the “restricting” step that the “finite and unacceptable delay” that provides a barrier to efficient operation of the system when background information is accessed from memory, as recited in the preamble, is avoided. This is a positive limitation to a functional step and is complimentary to the limitation previously added to the preamble, thereby “giving life and breath to the claimed invention.” *In re Paulsen* 31 USPQ2d 1671, 1673 (Fed. Cir. 1990).

As previously explained, the game system to which the invention is directed includes a CD-ROM drive 143 that must be accessed in order to obtain additional image data. This access operation provides the disadvantage of delay, which becomes irritating to the player or prevents a realistic experience in playing the game. At page 10 of the specification, the advantage of the invention is identified in Paragraph 2 as the prohibition on switching the scene so that the background remains the same even if the player character 301 moves further in the screen. Accordingly, no CD-ROM time occurs.

Following the present amendment, claim 1 now expressly states in the preamble that switching of background images requires a finite and unacceptable delay, and further states in the body of the claim that, by executing the step of “restricting the switching of said background images from the start until the completion of a predetermined particular operational mode of said plurality of operational modes,” such finite and unacceptable delay is avoided. This combination

of problem and solution with respect to such delay for purposes of switching background images is not found in the prior art, with respect to either mechanical or electronic access to storage for retrieval of background scene data. The invention as now stated is expressly limited to reducing such unacceptable delay, thus providing an advantage over the prior art.

As to the prior art, the Examiner has admitted that Reider fail in teaching key limitations in claims 1, 4 and 7-9, namely “displaying” images of player characters and non-player characters and background images that display scenes, and “restricting the switching of the background images from the start until the completion of an operational mode.” The Examiner looks to Stephens et al for a teaching of restricting the switching of the background images from the start until the completion of the operational mode.

However, as previously asserted and as the Examiner must acknowledge, Stephens et al is deficient because it does not teach the solution to a problem of unacceptable delay due to changing background images, as in the present invention. This limitation clearly distinguishes over the cited art and is a clear basis for patentability of claim 1.

With regard to claims 2, 3 and 10, they depend from claim 1 and should be allowable on the basis of that dependency.

With regard to claims 4-9, each of independent claims 4 and 7-9 clearly relate to the presence of a finite and unacceptable delay due to background image switching. Similar amendments have been made to these claims and they would be patentable for the same reasons.

Claims 5, 6 and 11 would be allowable for reasons given with respect to their parent claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
09/559,469

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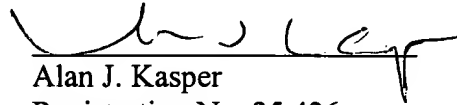
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